

REMARKS

Applicant respectfully requests reconsideration of this application as amended.

As a preliminary matter, in the Office Action mailed June 14, 2005, the Examiner did not attach an initialed copy of the PTO-1449 form references that were mailed to the PTO on May 21, 2003. Additionally, in the Office Action mailed December 7, 2004, the Examiner did not attach an initialed copy of the PTO-1449 form references (Other Art – No Patent Literature Documents section) that were mailed to the PTO on January 2, 2003. As such, applicant respectfully requests that the Examiner indicate that these references have been considered and made of record. The Examiner also did not indicate the references on said PTO-1449 form were not in conformance with MPEP 609. As such, applicant respectfully requests that the Examiner indicate that these references have been considered and made of record.

Office Action Rejections Summary

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,621,832 of Yokoyama (“Yokoyama”).

Claims 2-3 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,621,832 of Yokoyama in view of Optics Guide 5 of Melles Griot (“Melles Griot”).

Claims 13-16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yokoyama.

Claims 4-9, and 17-21 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 11 would be allowable if rewritten or amended to overcome the objections, set forth in this Office Action.

Claim 12 would be allowable if rewritten to overcome the objections, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

Claims 22, 26-27, and 30-31 are allowed. Therefore, the following remarks are directed to the objected to and rejected claims.

Status of Claims

Claims 1-22, 26-27 and 30-31 are pending in the application. Claims 1, 3, 6, 11, 17-19 and 21 have been amended. The amended claims are supported by the specification. No claims have been added. No new matter has been added. No claims have been canceled.

Claim Objections and Rejections

It is submitted that claim 6 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Therefore, claim 6 and its dependent claims 7-9 are in condition for allowance.

It is submitted that claim 11 has been amended to overcome the objection and, therefore, claims 11 and 12 are in condition for allowance.

It is submitted that claims 17, 18, 19 and 21 have each been rewritten in independent form including all of the limitations of their respective base claim and any intervening claim. Therefore, it is submitted that claims 17-19 and 21, and claim 20 (which depends from claim 19), are in condition for allowance.

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by Yokoyama. It is submitted that claim 1 is patentable over Yokoyama. Claim 1, as amended, recites:

An apparatus, comprising:

a housing having a plurality of at least four ports, each of the plurality of ports coupled to a corresponding one of a plurality of at least four fibers;

a plurality of collimating lenses disposed within the housing, each of the plurality of collimating lenses to receive a respective one of at least four light beams from a corresponding port of the plurality of at least four ports; and

a beamsplitter coupled to the plurality of collimating lenses to receive the light beam from each of the plurality of collimating lenses, the beamsplitter having a common optical aperture disposed on an outer surface area **to simultaneously receive the four light beams, on the outer surface area of the common optical aperture**, from each of the plurality of collimating lenses

(emphasis added)

In the optical coupler of Figure 3 of Yokoyama, incident beams from optical fibers 31a and 31c are directed to one side of the beamsplitter, while incident beams from optical fibers 31b and 31d are directed to the opposite side of the beamsplitter.

(Yokoyama, col. 4, lines 16-33; fig 3). As such, only two of the four light beams may be received by either side of the beamsplitter.

In contrast, as amended claim 1 includes the limitation of a “beamsplitter having a common optical aperture disposed on an outer surface area to simultaneously **receive the four light beams, on the outer surface area of the common optical aperture.**”

Therefore, claim 1 is patentable over Yokoyama.

Given that claims 4, 5 and 13-16 depend from claim 1, it is also submitted that claims 4, 5 and 13-16 are patentable over Yokoyama.

Claims 2 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yokoyama in view of Optics Guide 5 of Melles Griot. It is submitted that Optics Guide 5 of Melles Griot fails to cure the deficiency noted above in regards to claim 1 and, therefore, claims 2 and 10 are patentable over the cited references.

Claim 3 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Yokoyama in view of Melles Griot. Claim 3 has been re-written in independent format to include all the limitations of its original base claim 1. Claim 3 recites:

An apparatus, comprising:

a housing having a plurality of at least four ports, each of the plurality of ports coupled to a corresponding one of a plurality of at least four fibers;

a plurality of collimating lenses disposed within the housing, each of the plurality of collimating lenses to receive a light beam from a corresponding port of the plurality of at least four ports; and

a beamsplitter coupled to the plurality of collimating lenses to receive the light beam from each of the plurality of collimating lenses, the beamsplitter having a common optical aperture disposed on an outer surface area to simultaneously receive the light beams received from each of the plurality of collimating lenses, wherein the **beamsplitter comprises a rhombic prism**.

(emphasis added)

The Office Action states:

Yokoyama discloses all the limitations of the above claims except for teaching the use of a rhombic prism non-polarizing beamsplitter in place of the beamsplitter plate 34. The Optics Guide by Melles Griot shows typical non-polarizing beamsplitter cubes used in optics (p. 13-9 to 13-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a beam splitter cube instead of a beamsplitter plate in Yokoyama's device, since the latter comprises a plurality of dielectric layers deposited on a substrate, thus requiring a more complex manufacturing process.

(Office Action, 6/14/05, pp. 3-4)

Applicant respectfully disagrees with the Office Action's assertions. First, it is submitted that the Office Action's conclusion that one of ordinary skill in the art would use a device different than the multi-film on a substrate stack taught by Yokoyama is inapposite, because one of ordinary skill in the art would not disregard the device specifically taught by Yokoyama as achieving the objects of its invention (See Yokoyama, Summary of the Invention, col. 2, lines 11-16). In other words, the modification proposed by the Office Action would, impermissibly, be contrary to teachings of Yokoyama.

In addition, it is submitted that even if one were to replace the Figure 2 beamsplitter device of Yokoyama with a rhombic prism, such a modification of the optical coupler device of Figure 3 would not result in an operative device because the light beams would not be propagated in the proper directions to enter the optical fibers.

As such, the proposed modification of Yokoyama would impermissibly render Yokoyama unsatisfactory for its intended purpose and, therefore, there is no suggestion or motivation to make the proposed modification to render claim 3 obvious over the cited references. See MPEP 2143.01; *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984). Accordingly, claim 3 is patentable over the combination of cited references.

In conclusion, applicants respectfully submit that in view of the amendment and arguments set forth herein, the applicable objections and rejections, respectively, have been overcome.


If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: 9/20, 2005


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